

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 JULIANA LU,

4 Plaintiff

5 v.

6 THE HYPOTHEC BANK OF JAPAN
7 (JAPAN); and JAPAN,

8 Defendants

Case No.: 2:18-cv-01334-APG-BNW

**Order To Show Cause Why This Case
Should Not Be Dismissed For Failure To
Properly Serve Defendants**

9 Plaintiff Juliana Lu sues the Hypothec Bank of Japan and the nation of Japan. It appears
10 that Lu has not properly served either of the defendants. ECF No. 8. And the Hypothec Bank of
11 Japan apparently no longer exists. *Id.*

12 Federal Rule of Civil Procedure 4(j)(1) provides that “[a] foreign state or its political
13 subdivision, agency, or instrumentality must be served in accordance with 28 U.S.C. §1608.” Lu
14 attempted to serve the defendants through the United States mail. ECF No. 6 at 3. Service by
15 mail is not proper under 28 U.S.C. §1608 or Rule 4(j). It is unclear what type of entity the
16 Hypothec Bank of Japan is or was, but service by mail is likewise not proper under Rule 4(h),
17 which applies to service on various entities. The Government of Japan filed a “Notice of Note
18 Verbale,” but has not moved to dismiss this lawsuit based on insufficient service of process. ECF
19 No. 8. Thus, this case has languished for over 17 months with no progress.

20 I THEREFORE ORDER plaintiff Juliana Lu to file proof she has properly and timely
21 served the defendants as required under Federal Rule of Civil Procedure 4. Or, she must show
22 good cause why this case should not be dismissed for her failure to properly serve the
23 defendants. Lu shall file a response to this order by **February 5, 2020**. If she fails to do so, I

1 will dismiss this action without prejudice. The defendants may file a response to Lu's filing
2 within 10 days of that filing.

3 DATED this 3rd day of January, 2020.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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